

Fill in this information to identify your case:

Debtor 1 **Vincent James Montemarano**
 First Name Middle Name Last Name

Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **NORTHERN DISTRICT OF OHIO**

Case number: **22-50028**
 (If known)

☒ Check if this is an amended plan, and list below the sections of the plan that have been changed.
3.3

Official Form 113
 Chapter 13 Plan

12/17

Part 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. *Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.*

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

\$706.34 per **Bi-Weekly** for **36** months

Insert additional lines if needed.

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner.

Check all that apply:

- ☒ Debtor(s) will make payments pursuant to a payroll deduction order.
☐ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment):

2.3 Income tax refunds.

Check one.

- ☐ Debtor(s) will retain any income tax refunds received during the plan term.

- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☒ Debtor(s) will treat income refunds as follows:
Per Confirmation Order

2.4 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$91,824.00.**Part 3: Treatment of Secured Claims****3.1 Maintenance of payments and cure of default, if any.**

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of Creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Monthly payment on arrearage	Estimated total payments by trustee
Associated APM	300 Canterbury Lane Apt A Medina, OH 44256 Medina County PPN: 028-19C-10-106	\$189.00	Prepetition: \$7,000.00	0.00%	\$148.94	\$7,000.00
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)				
Mid America Mortgage I	300 Canterbury Lane Apt A Medina, OH 44256 Medina County PPN: 028-19C-10-106	\$455.00	Prepetition: \$28,450.00	0.00%	\$605.32	\$55,750.00
		Disbursed by: <input checked="" type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)				

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☐**None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.☒

The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of Creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
Credit Acceptance	2017 Kia Sportage 145k miles NADA Value Shown	\$7,920.00	5.50%	\$151.28	\$9,076.80
Disbursed by:					
<input checked="" type="checkbox"/> Trustee					
<input type="checkbox"/> Debtor(s)					

Insert additional claims as needed.

3.4 Lien avoidance.

Check one.

☐**None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.**The remainder of this section will be effective only if the applicable box in Part 1 of this plan is checked**☒

The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). *If more than one lien is to be avoided, provide the information separately for each lien.*

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Name of Creditor	a. Amount of lien \$2,854.00	Amount of secured claim after avoidance (line a minus line f)
Tidewater Finance Company	b. Amount of all other liens \$73,924.00	
	c. Value of claimed exemptions \$57,060.00	
	d. Total of adding lines a, b, and c \$133,838.00	Interest rate (if applicable) %
Collateral 300 Canterbury Lane Apt A Medina, OH 44256 Medina County PPN: 028-19C-10-106		
Lien identification (such as judgment date, date of lien recording, book and page number) Judgment Lien	e. Value of debtor(s)' interest in property -\$57,060.00	Monthly plan payment on secured claim
	f. Subtract line e from line d. \$76,778.00	
	Extent of exemption impairment (Check applicable box): <input checked="" type="checkbox"/> Line f is equal to or greater than line a.	Estimated total payments on secured claim

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
	The entire lien is avoided (<i>Do not complete the next column</i>)	
	<input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. (<i>Complete the next column</i>)	

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one.



None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be **10.00%** of plan payments; and during the plan term, they are estimated to total **\$9,182.40**.

4.3 Attorney's fees.

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$3,000.00**.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.



None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.



None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*



The sum of \$ _____.



_____ % of the total amount of these claims, an estimated payment of \$ _____.



The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately

\$ 5,397.00. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. *Check one.*



None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims. *Check one.*



None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. *Check one.*

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:

- ☒ plan confirmation.
☐ entry of discharge.
☐ other: _____

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☒ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Part 9: Signature(s):

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below, otherwise the Debtor(s) signatures are optional. The attorney for Debtor(s), if any, must sign below.

X /s/ Vincent James Montemarano
Vincent James Montemarano
Signature of Debtor 1

X _____
Signature of Debtor 2

Executed on **March 31, 2022**

Executed on _____

X /s/ James F Hausen
James F. Hausen 0073694
Signature of Attorney for Debtor(s)

Date **March 31, 2022**

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

Exhibit: Total Amount of Estimated Trustee Payments

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a. Maintenance and cure payments on secured claims (<i>Part 3, Section 3.1 total</i>)	<u>\$62,750.00</u>
b. Modified secured claims (<i>Part 3, Section 3.2 total</i>)	<u>\$0.00</u>
c. Secured claims excluded from 11 U.S.C. § 506 (<i>Part 3, Section 3.3 total</i>)	<u>\$9,076.80</u>
d. Judicial liens or security interests partially avoided (<i>Part 3, Section 3.4 total</i>)	<u>\$0.00</u>
e. Fees and priority claims (<i>Part 4 total</i>)	<u>\$12,182.40</u>
f. Nonpriority unsecured claims (<i>Part 5, Section 5.1, highest stated amount</i>)	<u>\$7,814.80</u>
g. Maintenance and cure payments on unsecured claims (<i>Part 5, Section 5.2 total</i>)	<u>\$0.00</u>
h. Separately classified unsecured claims (<i>Part 5, Section 5.3 total</i>)	<u>\$0.00</u>
i. Trustee payments on executory contracts and unexpired leases (<i>Part 6, Section 6.1 total</i>)	<u>\$0.00</u>
j. Nonstandard payments (<i>Part 8, total</i>)	<u>\$0.00</u>
	+
Total of lines a through j	<div>\$91,824.00</div>

**United States Bankruptcy Court
Northern District of Ohio
Eastern Division at Akron**

In re: * Case No. 22-50028
*
Vincent James Montemarano * Chapter 13
*
* Judge Alan Koschik
*
Debtors *

CERTIFICATE OF SERVICE

I hereby certify that the Amended Chapter 13 Plan was electronically transmitted on or about March 31, 2022 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Chapter 13 Trustee, Keith Rucinski

I further certify that the following received notice by regular U.S. Mail at the specified address on the date first set forth above:

See Attached Mailing Matrix

/s/ James F. Hausen
James F. Hausen, Attorney for Debtor(s)

Label Matrix for local noticing
0647-5
Case 22-50028-amk
Northern District of Ohio
Akron
Sun Mar 6 10:51:48 EST 2022

455 John F. Seiberling Federal Building
US Courthouse
2 South Main Street
Akron, OH 44308-1848

Avid Acceptance Llc
Attn: Bankruptcy
6995 Union Park Center Suite 450
Cottonwood Heights, UT 84047-6145

(p)CITIZENS BANK N A
ATTN BANKRUPTCY TEAM
ONE CITIZENS BANK WAY
JCA115
JOHNSTON RI 02919-1922

Department of Education/Nelnet
Attn: Bankruptcy
Po Box 82561
Lincoln, NE 68501-2561

Keith D. Weiner and Associates
75 Public Square
4th Floor
Cleveland, OH 44113-2001

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Medina County Job and Family Servic
232
Northland Dr
Medina, OH 44256-1533

Mid America Mortgage I
15301 Spectrum Dr. Ste 405
Addison, TX 75001-6877

Premier Bankcard, LLC
Jefferson Capital Systems LLC Assignee
Po Box 7999
Saint Cloud MN 56302-7999

(p)ATLAS ACQUISITIONS LCC
492C CEDAR LANE SUITE 442
TEANECK NJ 07666-1713

Applied Bnk
Attn: Bankruptcy
2200 Concord Pike, Ste 102
Wilmington, DE 19803-2909

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Credit Acceptance
Attn: Bankruptcy
25505 West 12 Mile Road Ste 3000
Southfield, MI 48034-8331

Kaman & Cusimano
50 Public Square
Suite 2000
Cleveland, OH 44113-2215

Kikoff Lending Llc
Attn: Bankruptcy
75 Broadway Suite 226
San Francisco, CA 94111-1458

MERRICK BANK
Resurgent Capital Services
PO Box 10368
Greenville, SC 29603-0368

Medina Municipal Court
135 North Elmwood Ave
Medina, OH 44256-1878

Midland Credit Management, Inc.
PO Box 2037
Warren, MI 48090-2037

Quantum3 Group LLC as agent for
Sadino Funding LLC
PO Box 788
Kirkland, WA 98083-0788

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Associated APM
5090 Park Ave West
Seville, OH 44273-8916

Citizens Bank
1000 Lafayette Blvd
Bridgeport, CT 06604-4725

Credit One Bank
Attn: Bankruptcy Department
Po Box 98873
Las Vegas, NV 89193-8873

(p)KEITH D WEINER & ASSOC CO L P A
1100 SUPERIOR AVENUE EAST
SUITE 1100
CLEVELAND OH 44114-2520

Kingston Data and Credit International
Attn: Bankruptcy
1301 Seminole Blvd, Unit 166,
Largo, FL 33770-8118

Medina County Common Pleas
93 Public Square
Medina, OH 44256-2292

Merrick Bank/CardWorks
Attn: Bankruptcy
Po Box 9201
Old Bethpage, NY 11804-9001

(p)LANDMARK STRATEGY GROUP LLC
ATTN COLLEEN KIMBLE
455 CENTER RD
WEST SENECA NY 14224-2100

Spring Oaks Capital SPV, LLC
P O Box 1216
Chesapeake, VA 23327-1216

Sterling Jewelers, Inc.
Attn: Bankruptcy
Po Box 1799
Akron, OH 44309-1799

T Mobile/T-Mobile USA Inc
by American InfoSource as agent
PO Box 248848
Oklahoma City, OK 73124-8848

The Huntington National Bank
P O Box 89424
Cleveland OH 44101-6424

(p)TIDEWATER FINANCE COMPANY
P O BOX 13306
CHESAPEAKE VA 23325-0306

Total Visa/tbom/vt
Po Box 89028
Sioux Falls, SD 57109-9028

US DEPARTMENT OF EDUCATION C/O NELNET
121 SOUTH 13TH STREET
LINCOLN NE 68508-1904

Verizon Wireless
Attn: Bankruptcy
500 Technology Dr, Ste 599
Weldon Springs, MO 63304-2225

James F. Hausen
Bates and Hausen, LLC
215 E. Waterloo Road Suite 17
Akron, OH 44319-1236

Keith Rucinski
Chapter 13 Trustee
One Cascade Plaza Suite 2020
Akron, OH 44308-1160

Vincent James Montemarano
300 Canterbury Lane Apt A
Medina, OH 44256-2510

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Atlas Acquisitions LLC
492C Cedar Lane Suite 442
Teaneck, NJ 07666

(d)Atlas Acquisitions LLC
492C Cedar Lane, Ste 442
Teaneck, NJ 07666

Chase Card Services
Attn: Bankruptcy
Po Box 15298
Wilmington, DE 19850

Citizens Bank
Attn: Bankruptcy
1 Citizens Dr
Riverside, RI 02915

Keith D. Weiner
75 Public Square
4th Floor
Cleveland, OH 44113

Pbcapigrp
455 Center Rd
West Seneca, NY 14224

Tidewater Finance Company
6520 Indian River Rd
Virginia Beach, VA 23464

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

(u)Total Visa/tbom/vt

End of Label Matrix	
Mailable recipients	39
Bypassed recipients	2
Total	41